

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: §
CYRUS II PARTNERSHIP § CASE NO: 05-39857
and §
MONDONA RAFIZADEH §
Debtor(s) §
§ CHAPTER 7

ORDER DENYING MOTIONS TO COMPEL

For the reasons stated below, the Motion to Compel Rule 2004 Examination of Mondona Rafizadeh [docket no. 99] and the Motion to Compel Rule 2004 Examination of Shumann Rafizadeh [docket no. 100] are denied. Consequently, the Motion to Expedite Hearing [docket no. 101] is denied as moot.

On August 26, 2005, the Court entered an order directing the parties to confer regarding a deposition schedule for taking the examination of Shumann and Mondona Rafizadeh. On September 16, 2005, ORIX filed the above-referenced motions, seeking an order of this Court to compel the Rafizadehs to submit to a Rule 2004 examination. ORIX states that it noticed out multiple examinations over the past two months, including an examination for both Shumann and Mondona Rafizadeh on September 15, 2005. Movant does not allege that it has attempted to confer with other parties in interest to agree on a deposition schedule. The Court declines to consider the relief until the conference has taken place.

SIGNED 09/20/2005.



MARVIN ISGUR
United States Bankruptcy Judge